

Remarks

The Examiner's Office action mailed August 14, 2003, which rejected pending claims 1-5, 7, 9, 10, 12, 14, 15, and 17, objected to claims 6, 11, 13, and 16, and allowed claims 18-23, has been reviewed. In view of the following remarks, Applicant respectfully submits that the application is in condition for allowance.

Since December 14, 2003, fell on a Sunday, and this Response is being filed on the next business day, only a two month extension of time is required.

The Examiner rejected claims 1-5, 7, 9, 10, 12, 14, 15, and 17 as being unpatentable over U.S. Patent No. 6,255,953, issued to Barber ("Barber") in view of U.S. Patent No. 6,590,529, issued to Schwoegler ("Schwoegler"). Claims 6, 11, 13, and 16 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant submits herewith a Second Declaration under 37 C.F.R. § 1.131 (including Exhibits A and B) demonstrating a date of invention prior to the earliest effective date of Schwoegler. The Second Declaration shows conception and reduction to practice of the invention of the present Application prior to the priority date of Schwoegler and/or conception prior to the priority date of Schwoegler and due diligence from this conception to the priority date of the present Application and the subsequent filing date of the present Application. Although, Applicant maintains that the conception of the invention was demonstrated in the first Declaration under 37 C.F.R. § 1.131.

Accordingly, Schwoegler is inapplicable as prior art to the present Application. Therefore, Schwoegler is removed from citation as a prior art reference.

Because Schwoegler is inapplicable as prior art to the present Application and Barber does not disclose or teach all of the limitations of the claims, including all the limitations of the independent claims 1, 7, 12, and 14, Applicant respectfully requests withdrawal of the rejection of claims 1-5, 7, 9, 10, 12, 14, 15, and 17. Because the claims from which claims 6, 11, 13, and 16 depend have been shown to be allowable, Applicant respectfully requests withdrawal of the objection of claims 6, 11, 13, and 16.

Because Schwoegler was cited against the present Application for the first time in the Final Action, this Declaration is proper in response thereto and places the claims in condition

for allowance. Additionally, this Declaration is proper as a response for the present Request for Continued Examination.

Applicant incorporates and renews the Remarks made with regard to the Barber and Boozer patents and the current claims of the present application in Applicant's Response dated May 27, 2003.

Applicant thanks the Examiner for the allowance of claims 18-23.

The references cited by the Examiner and made of record have been reviewed by Applicant. Applicant has no further remarks with regard to the cited references.

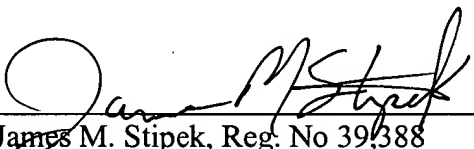
Based on the foregoing, it is submitted that the Applicant's invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Applicant's attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on August 14, 2003 and the Examiner's Advisory action mailed November 13, 2003.

Respectfully Submitted,

LATHROP & GAGE L.C.

By 
James M. Stipek, Reg. No 39,388
Lathrop & Gage, L.C.
2345 Grand Boulevrd, Suite 2300
Kansas City, MO 64108
Tel: (816) 460-5848
Fax: (816) 292-2001
Attorney for Applicant(s)